

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA**

JOEY KIMBROUGH,	)	
	)	
Plaintiff,	)	
	)	Case No. 1:22-cv-01217-SEB-KMB
v.	)	
	)	
SNAP-ON CREDIT LLC, ET AL.,	)	Honorable Sarah Evans Barker
	)	
Defendants.	)	Magistrate Judge Kellie M. Barr
	)	

**JOINT MOTION TO AMEND THE CASE MANAGEMENT DEADLINES**

Plaintiff Joey Kimbrough (“Plaintiff”) and Defendant Snap-on Credit LLC (“Defendant”) (collectively the “Parties”), jointly and respectfully request that the Court extend the case management deadlines by approximately sixty-days (60-days) as more fully described below. In support of their request, the Parties state as follows:

- 1) This case involves alleged violations of the Fair Credit Reporting Act.
- 2) Plaintiff filed this action on June 15, 2022.
- 3) Defendant timely answered the complaint on July 27, 2022.
- 4) Plaintiff filed a motion for leave to file an amended complaint on October 26, 2022.
- 5) Defendant responded to Plaintiff’s motion for leave to file an amended complaint on November 11, 2022.
- 6) Plaintiff file his reply in further support of his motion for leave to file an amended complaint on November 16, 2022.
- 7) The Court recently granted Plaintiff’s motion for leave to file an amended complaint on December 30, 2022 and the amended complaint was filed that day.

8) Plaintiff added five new defendants to this matter by virtue of his amended complaint and asserted claims against such newly added defendants in his amended complaint.

9) Plaintiff is in the process of serving the five newly added defendants.

10) Defendant's current deadline to respond to the amended complaint is January 13, 2023. Defendant needs an extension of time to respond to same and Plaintiff agreed to extend such deadline until February 10, 2023. Defendant will file a separate agreed motion seeking such extension.

11) To date, the Parties have engaged in extensive discovery (this excludes the newly added defendants as they were just named on December 30, 2022). In particular, Plaintiff has served two sets of interrogatories on Defendant, two sets of requests for production on Defendant, and one set of requests for admission. Defendant timely responded to Plaintiff's first set of interrogatories and first set of requests for production. Defendant is in the process of responding to Plaintiff's second set of interrogatories, second set of requests for production, and first set of requests for production.

12) The Parties have also conducted extensive third-party discovery. In particular, Defendant subpoenaed Community First Bank of Indiana for records related to Plaintiff's alleged damages. Community First Bank of Indiana timely responded to same. Plaintiff also served third-party discovery requests on Community First Bank of Indiana to which it timely responded. Plaintiff also served third-party discovery requests on Matt Whybrew to which he timely responded. Plaintiff has also issued subpoenas for documents on two credit reporting agencies (i.e., Experian and Equifax)—both of which have now responded.

13) As the above demonstrates, the Parties have actively engaged in discovery and not sat idle. However, they need more time to complete such discovery, including party depositions

and potential additional third-party discovery. This especially true in light of the fact that five new defendants were added to this matter on December 30, 2022.

14) Accordingly, the Parties request that the Court amend the case management deadlines as follows:

- The Parties' expert disclosure deadline be moved from January 12, 2023 to April 13, 2023;
- The Parties' deadline to serve discovery requests be moved from February 26, 2023 to April 27, 2023;
- The Parties' deadline to complete depositions be moved from March 28, 2023 to May 26, 2023; and
- The Parties' deadline to file motions under Federal Rule of Civil Procedure be moved from April 27, 2023 to June 26, 2023.

15) This is the Parties' first request to amend the case management deadlines.

16) The Parties request such amendment in good faith, not for dilatory purposes.

17) Finally, it is worth noting that this matter is set for a judicial settlement conference on February 2, 2023

WHEREFORE, the Parties jointly and respectfully requests the Court grant this motion and amend the Case Management Plan entered on September 30, 2022 in the manner described above.

Respectfully submitted,

HINSHAW & CULBERTSON LLP

/s/ Joseph D. Kern

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Respectfully submitted,

PRO SE PLAINTIFF

/s/ Joey Kimbrough

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**CERTIFICATE OF SERVICE**

I, Joseph D. Kern, an attorney, certify that on January 12, 2023, caused to be served a copy of the foregoing on the below listed individual by: depositing same in the U.S. Mail box at 151 North Franklin Street, Chicago, Illinois 60606, prior to 5:00 p.m., postage prepaid; messenger delivery; UPS; facsimile transmitted from (312) 704-3001; email; or electronically via the Case Management/Electronic Case Filing system (“ECF”), as indicated below.

- ☒ ECF
- ☐ Facsimile
- ☐ UPS
- ☐ U.S. Mail
- ☐ E-Mail
- ☐ Messenger Delivery

To: JOEY KIMBROUGH  
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Kokomo, IN 46902  
joeykokomo2002@yahoo.com

/s/ Joseph D. Kern  
Joseph D. Kern